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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854
<div>7590 12/28/2007</div> <div>Mr. S H DWORETSKY AT & T CORP ROOM 2A-207 ONE AT&T WAY BEDMINSTER, NJ 07921</div>				
<div>EXAMINER SPOONER, LAMONT M</div>				
<div>ART UNIT 2626</div>				
<div>PAPER NUMBER</div>				
<div>MAIL DATE 12/28/2007</div>				
<div>DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/550,686	Applicant(s) HIRSCHBERG ET AL.	
	Examiner Lamont M. Spooner	Art Unit 2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. This office action is in response to applicant's request for reconsideration filed 12/14/07. Claims 1, 4, 5, 8-10, 21, and 27-31 are currently pending.
2. Applicant's arguments filed 12/14/07 have been fully considered but they are not persuasive.

More specifically, regarding claim 1, applicant argues, p.2 "Applicant's traverse this inasmuch as the reference does not teach determining the identity of the messages by performing both steps of comparing speech signals from each of the one or more voice mail messages with one or more caller speaker models and based on analysis of the content of each of the one or more voice mail messages." However, the Examiner cannot concur, wherein Applicant specifically teaches, in applicant's specification (see, for example, Summary of the Invention), the content of the voice mail message including speech data (wherein only on page 11, lines 4-9, of applicant's specification does applicant specify content of the voice mail message driven by a natural language techniques utilized in recognizing the speaker, which are not claimed), therein at the

least reasonable interpretation of the claim limitation as presently stated, the cited portion noted in the previous rejection (C.7. lines 22-26, and lines 32-35) are sufficient in providing the teaching of the limitation as currently presented. Appropriate clarification is requested, if applicant desires distinction or separation from Epstein et al. (US 6,327,343).

Applicants remaining argument on the combination of Epstein and Kanevsky are also unpersuasive. More specifically, Epstein provides an automated system, as duly noted by applicant (see applicant's current remarks pages 5, and 6, "Notably Epstein et al. teach ... automatic ... content of the message."). However, Epstein determines that when the system itself, ultimately cannot determine the identity of the user" further action is necessary (as also noted by applicant, see remarks p. 7 paragraph 2), this action is user based, and interactive, and thus the system is no longer fully automated (ibid). Epstein even goes as far as switching the call to another system (for example, such a system could be Applicant's system, or even Kanevsky's system, or any system, which would probably be with the intention of improving the current situation of an "unidentified caller"). Therefore, Epstein presents a speech recognition system, that has a need for improvement, which could possibly call on

another system, and has abandoned the automation that the applicant has correctly pointed out in applicant's noted remarks, and is seeking another system, terminal, disconnecting the call, or placing the call on hold (Epstein, C.7 lines 50-67). Kanevsky provides the system that supplements Epstein in a manner that completes the need presented by Epstein. The motivation for combining the references is clear and concise, and the result ultimately resolves the identity of the user (if possibly) by the user, or voice mail subscriber. See previous rejection. Thus the rejection remains clearly motivated, and properly founded.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lms
12/27/07


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER